

1 ANDRÉ BIROTTE JR.
United States Attorney
2 ROBERT E. DUGDALE
Assistant United States Attorney
3 Chief, Criminal Division
STEVEN R. WELK
4 Assistant United States Attorney
Chief, Asset Forfeiture Section
5 VICTOR A. RODGERS
California Bar No. 101281
6 Assistant United States Attorney
Asset Forfeiture Section
7 Federal Courthouse, 14th Floor
312 North Spring Street
8 Los Angeles, California 90012
Telephone: (213) 894-2569
9 Facsimile: (213) 894-7177
E-mail: victor.rodgers@usdoj.gov

~~JS - 6~~

10 Attorneys for Plaintiff
11 UNITED STATES OF AMERICA

12 UNITED STATES DISTRICT COURT
13
14 FOR THE CENTRAL DISTRICT OF CALIFORNIA
15 WESTERN DIVISION

16 UNITED STATES OF AMERICA,) No. CV 07-00595 DDP(CTx)
17 Plaintiff,)
18 v.) **CONSENT JUDGMENT OF FORFEITURE**
19 \$1,226,460.90 IN U.S.) **AS TO THE FOLLOWING DEFENDANT**
20 ACCOUNT FUNDS AND) **ASSETS ONLY: \$45,000.00 IN U.S.**
21 CURRENCY,) **CURRENCY**

22 Defendants.)
23 WILLIAM POLK HARRINGTON II,)
24 SUDIE HILLER AND CHANDRESH)
25 B. SHAH,)
Claimants.)

26 On or about January 25, 2007, plaintiff United States of
27 America ("the government" or "the United States of America") filed

28 cc: FISCAL

1 a Complaint for Forfeiture alleging that the defendants
2 \$1,226,460.90 in U.S. Account Funds and \$45,000.00 in U.S. Currency
3 (collectively, the "defendants") are subject to forfeiture pursuant
4 to 18 U.S.C. §§ 981(a)(1)(A) and (C) and 21 U.S.C. § 881(a)(6).

5 On or about March 1 and 7, 2007, claimant William Polk
6 Harrington II filed a verified and amended verified claim,
7 respectively, to the defendants. On or about April 3, 2007,
8 claimant William Polk Harrington II filed a second amended verified
9 claim to \$885,732.10 of the defendant \$1,226,460.90 in U.S. Account
10 Funds. The \$885,732.10 in account funds (the "Harrington-claimed
11 defendant") which are the subject matter of William Polk
12 Harrington's second amended verified claim are as follows:

13 a. \$512,308.30 in account funds seized from
14 Wachovia Bank account number XXXXXXXXX3503 in the name of
15 "The Direct Meds" with William Polk Harrington, also
16 known as Bill P. Harrington, as the sole signatory;

17 b. \$39,016.62 in account funds seized from
18 Wachovia bank account number XXXXXXXXX8926 in the name of
19 William Polk Harrington, also known as Bill P.
20 Harrington, as the sole signatory;

21 c. \$87,756.88 in account funds seized from
22 Wachovia Bank account number XXXXXXXXX8939 in the name of
23 William Polk Harrington, also known as Bill P.
24 Harrington, as the sole signatory; and

25 d. \$246,650.30 in account funds seized from
26 Wachovia Bank account number XXXXXXXXX3723 in the name of
27 Direct Meds, Inc., with William Polk Harrington, also
28 known as Bill P. Harrington, as the sole signatory.

1 On or about March 2, 2007, claimant Sudie Hiller filed a
2 verified claim against that portion of the defendant \$1,226,460.90
3 in U.S. Account Funds not claimed by claimant William Polk
4 Harrington III (i.e., \$340,728.80 of the defendant \$1,226,460.90 in
5 U.S. Account Funds). The account funds which are the subject
6 matter of claimant Sudie Hiller's claim are \$340,728.80 in account
7 funds seized from Wachovia Bank account number XXXXXXXXX2645 in the
8 name of Oualie, Inc., with Sudie Turpin Hiller, also known as S.J.
9 Turpinhiller, as the sole signatory (the "Hiller-claimed
10 defendant").

11 On or about March 2, 2007, claimant Chandresh B. Shah filed a
12 verified claim to defendant \$45,000.00 in U.S. Currency (the "Shah-
13 claimed defendant").

14 Claimants William Polk Harrington II, Sudie Hiller and
15 Chandresh B. Shah filed their respective answers to the complaint
16 on or about March 22, 2007. No other parties have appeared in this
17 case and the time for filing claims and answers has expired.

18 On or about May 13, 2008, claimant William Polk Harrington II
19 and the government resolved their disputes relative to the
20 Harrington-claimed defendant by the filing of a consent judgment of
21 forfeiture.

22 In January 2011, claimant Sudie Hiller and the government
23 resolved their disputes relative to the Hiller-claimed defendant by
24 the filing of a consent judgment of forfeiture.

25 The government and claimant Chandresh B. Shah have now agreed
26 to settle this matter as to the Shah-claimed defendant and to avoid
27 further litigation between them by entering into this Consent
28 Judgment of Forfeiture.

1 The Court having been duly advised of and having considered
2 the matter, and based upon the mutual consent of the parties
3 hereto,

4 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

5 1. This Court has jurisdiction over the subject matter of
6 this action and over the parties to this Consent Judgment of
7 Forfeiture.

8 2. As between plaintiff United States of America and
9 claimant Chandresh B. Shah, the Complaint for Forfeiture states a
10 claim for relief pursuant to 18 U.S.C. § 981(a)(1)(A) and (C) and
11 21 U.S.C. § 881(a)(6).

12 3. Notice of this action has been given as required by law.
13 No appearances have been made in this case by any person with
14 respect to the Shah-claimed defendant other than claimant Chandresh
15 B. Shah. The Court deems that all other potential claimants admit
16 the allegations of the Complaint for Forfeiture to be true as to
17 the Shah-claimed defendant.


18 4. The Shah-claimed defendant, plus all interest earned by
19 the United States of America on the Shah-claimed defendant, shall
20 be condemned and forfeited to the United States of America, which
21 shall dispose of those funds in accordance with law.

22 5. Claimant Chandresh B. Shah hereby releases the United
23 States of America, its agencies, agents, officers, employees and
24 representatives, including, without limitation, all agents,
25 officers, employees and representatives of the Federal Bureau of
26 Investigation, the Drug Enforcement Administration and the
27 Department of Justice and their respective agencies, as well as all
28 agents, officers, employees and representatives of any state or

1 local governmental or law enforcement agency involved in the
2 investigation or prosecution of this matter, from any and all
3 claims, actions, or liabilities arising out of or related to this
4 action, including, without limitation, any claim for attorney fees,
5 costs, and interest, which may be asserted by or on behalf of
6 claimant Chandresh B. Shah.

7 6. The Court finds that there was reasonable cause for the
8 seizure of the Shah-claimed defendant and institution of these
9 proceedings against the Shah-claimed defendant. Each of the
10 parties hereto shall bear its own attorney fees and costs.

11
12 DATED: March 3, 2011

13
14 
15 THE HONORABLE DEAN D. PREGERSON
16 UNITED STATES DISTRICT JUDGE
17
18
19
20
21
22
23
24
25
26
27
28

CONSENT

The parties hereto consent to the above Consent Judgment of Forfeiture and waive any right to appeal this Consent Judgment of Forfeiture.

DATED: January 28, 2011

ANDRÉ BIROTTE JR.
United States Attorney
ROBERT E. DUGDALE
Assistant United States Attorney
Chief, Criminal Division
STEVEN R. WELK
Assistant United States Attorney
Chief, Asset Forfeiture Section

/s/ Victor A. Rodgers
VICTOR A. RODGERS
Assistant United States Attorney

Attorneys for Plaintiff
UNITED STATES OF AMERICA

DATED: January 25, 2011

ALEX R. KESSEL
Attorney at Law

/s/ Alex R. Kessel
ALEX R. KESSEL

Attorneys for Claimant
CHANDRESH B. SHAH